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Attorneys for Complainant

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

STATE OF CALIFORNIA

In the Matter of)	FPPC No.: 01/408
)	
)	
TOM AMMIANO, TOM AMMIANO FOR)	STIPULATION, DECISION and
MAYOR, and ESTHER MARKS,)	ORDER
)	
)	
)	
Respondents.)	
)	

Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and Respondents Tom Ammiano, Tom Ammiano for Mayor, and Esther Marks, hereby agree that this stipulation will be submitted for consideration by the Fair Political Practices Commission at its next regularly scheduled meeting.

The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this matter, and to reach a final disposition without the necessity of holding an administrative hearing to determine the liability of Respondents.

Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural rights set forth in sections 83115.5, 11503 and 11523 of the Government Code, and in section 18361 of title 2 of the California Code of Regulations. This includes, but is not limited to, the right to personally

1 appear at any administrative hearing held in this matter, to be represented by an attorney at
2 Respondents' own expense, to confront and cross-examine all witnesses testifying at the hearing, to
3 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
4 the hearing as a hearing officer, and to have the matter judicially reviewed.

5 It is further stipulated and agreed that Respondents Tom Ammiano, Tom Ammiano for Mayor,
6 and Esther Marks violated the Political Reform Act by failing to deposit cash contributions into the
7 campaign bank account, in violation of Government Code section 85201, subdivision (c) (1 count), and
8 by making cash expenditures in excess of one hundred dollars, in violation of Government Code section
9 84300, subdivision (b), as described in Exhibit 1. Exhibit 1 is attached hereto and incorporated by
10 reference as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this
11 matter.

12 Respondents agree to the issuance of the decision and order, which is attached hereto.
13 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount
14 of Two Thousand Five Hundred Dollars (\$2,500). A cashier's check from Respondents in said amount,
15 made payable to the "General Fund of the State of California," is submitted with this stipulation as full
16 payment of the administrative penalty, to be held by the State of California until the Commission issues
17 its decision and order regarding this matter. The parties agree that in the event the Commission refuses
18 to accept this stipulation, it shall become null and void, and within fifteen (15) business days after the
19 Commission meeting at which the stipulation is rejected, all payments tendered by Respondents in
20 connection with this stipulation shall be reimbursed to Respondents. Respondents further stipulate and
21 agree that in the event the Commission rejects the stipulation, and a full evidentiary hearing before the
22 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
23 shall be disqualified because of prior consideration of this stipulation.

24
25 Dated: _____

26 _____
27 Mark Krausse
28 Executive Director
Fair Political Practices Commission

1 Dated: _____

2 Tom Ammiano, Respondent, individually and on behalf of
3 Tom Ammiano for Mayor, Respondent

4
5 Dated: _____

6 Esther Marks, treasurer of Tom Ammiano for Mayor,
7 Respondent

8
9 **DECISION AND ORDER**

10 The foregoing stipulation of the parties “In the Matter of Tom Ammiano, Tom Ammiano for
11 Mayor, and Esther Marks, FPPC No. 01/408,” including all attached exhibits, is hereby accepted as the
12 final decision and order of the Fair Political Practices Commission, effective upon execution below by
13 the Chairman.

14
15 IT IS SO ORDERED.

16
17
18 Dated: _____

19 Liane M. Randolph, Chairman
20 Fair Political Practices Commission